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Via ECF

February 1, 2022

Hon. Vera M. Scanlon
U.S. Magistrate Judge
U.S. District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Alessina, et al v. El Gauchito II, et al.*
Docket No: 1:21-CV-04537-WNV-VMS

Dear Magistrate Judge Scanlon:


Please be advised that I represent the Defendants in connection with the above-named case. Josef Nussbaum, Esq. represent the Plaintiffs.

This letter responds to your Scheduling Order of January 20, 2022 requiring a Joint Letter on or before today February 1, 2022 regarding the progress of the State Court action.

The New York State Supreme Court entered Judgment in favor of Plaintiffs in the amount of \$325,000. The Defendants are appealing the Decision and the case of *Alessina, et al v. El Gauchito II, et al.*, is now pending in the Appellate Division, Second Department under Appellate Division Case No: 2021-08890. A Motion is pending for a stay pending Appeal based on the purchase of an Appeal Bond pursuant to CPLR Sections 5519 (a) (2) and Section 2201 returnable February 14, 2022.

Mr. Nussbaum and I have discussed this case on the telephone and we agree that this Federal case should be stayed pending a final resolution of the Appellate Division Appeal.

Your Honor's attention to this case is greatly appreciated. Best regards. Stay safe.

Sincerely,

Paul E. Kerson

PEK:gd
cc: Josef Nussbaum, Esq., Attorneys for Plaintiffs